

Environmental Boating Laws Every Recreational Boater Should Know

Pollution Problem	Fuel and Oil	Dispersants	Hazardous Wastes	Sewage	Plastic and Marine Debris
Summary and Fines	<p>A) The discharge of fuel, oil, oily wastes and hazardous substances is absolutely prohibited into or upon the navigable waters of the United States or the waters of the contiguous zone if such discharge causes a film or sheen upon, or discoloration of the surface of the water, or causes a sludge or emulsion beneath the surface of the water. Violators are liable for the cost of the clean up and are also subject to substantial civil penalties and/or criminal sanctions, including fines and imprisonment for unlawful discharges. The criminal penalties range from:</p> <ul style="list-style-type: none">• One to 15 years imprisonment and/or,• fines between \$2,500 to \$500,000.• Civil penalties of up to \$32,500 per incident can be imposed for unlawful discharges (33 USC 1321). <p>It is unlawful for vessels to discharge oil into or upon navigable waters of the State (The CA Harbors and Navigation Code (Ch. 3 §133).</p> <p>B) Oil and chemicals spills need to be reported to both the National Response Center (800-424-8802) and the State Line (800-OILS911) (33 USC 1321 (b)(5) and Government Code 8670.25.5). Failure to notify a known discharge is unlawful. If convicted, maximum punishment is: 5 years imprisonment and/or fine up to \$250,000 for an individual, \$500,000 for an organization (33 USC 1321 (b)(5)).</p> <p>C) If a discharge occurs, the responsible party must act in accordance with the CWA (33 CFR 153.305). In general that means that the responsible party must control the source of the discharge, prevent further discharges, halt or slow the spread of the discharge, and remove as much of the substance as possible using mechanical means such as containment booms, vacuum trucks, and absorbents. The responsible party will have to pay for the costs incurred in connection with the discharge.</p> <p>D) Federal law (CWA) requires that all boats 26 feet or longer display an oily waste discharge placard in the engine compartment or near fuel pumping station.</p>	<p>A) Prohibits the use of soaps or other dispersing agents to dissipate and/or mask oil on the water or in the bilge. Soaps emulsify oil, therefore, dispersing hydrocarbons through the water column and can be harmful to marine animals and bottom sediments. Violators are subject to criminal and civil penalties of up to \$32,500 per incident (33 CFR 153.305).</p>	<p>A) The discharge of fuel, oil, oily wastes and hazardous substances is absolutely prohibited into or upon the navigable waters of the United States or the waters of the contiguous zone if such discharge causes a film or sheen upon, or discoloration of the surface of the water, or causes a sludge or emulsion beneath the surface of the water. Violators are liable for the cost of the clean up and are also subject to substantial civil penalties and/or criminal sanctions, including fines and imprisonment for unlawful discharges. 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Any violation of this article is a misdemeanor (CHS Div 5, Port 1 § 117515).</p> <p>C) Do not discharge your Type I or II Marine Sanitation Device (MSD) while in a marina, in a swimming area, in a No Discharge Zone, over an oyster bar, or in a poorly flushed area. Effluent from legal Type I and Type II systems contains nutrients and possibly toxic chemicals. It may contain pathogens as well. (CHSC. Div 5,Port 1 § 117515).</p> <p>D) It is illegal to discharge treated or untreated wastes into a federally designated No Discharge Zone. Your MSD must be connected to a holding tank or secured to prevent all sewage discharges. Fines of up to \$2,200 can be imposed for illegal discharges (33 CFR 159.7(b and c).</p> <p>E) Any vessels with an installed toilet on board must have a Coast-Guard approved MSD (33 CFR Part 159 and CWA Section 312). Violators are subject to fines from \$375 to \$6,500</p> <p>F) Vessels with Type I or Type II MSD must treat their sewage before discharge. For Type I MSD the fecal coliform count in the effluent must be no greater than 1,000 per 100 milliliters of water and have no visible floating solids. This system must bear a US Coast Guard approved label. For a Type II MSD, the fecal coliform count must be no greater than 200 per 100 milliliters and suspended solids no greater than 150 milligrams per liter(33 CFR Part 159). Type II systems must also have a Coast Guard certification label. Violators are subject to fines from \$375 to \$6,500</p> <p>G) Y-valve must be secured in a closed position when navigating inland waters (lake, reservoir or freshwater impoundment) or less than three miles off-shore to prevent accidental spills.</p> <p>H) A state or local peace officer who reasonably suspects that a vessel is discharging sewage in an area where the discharge is prohibited may board vessel, if the owner or operators is aboard, for the purpose of inspecting the MSD for proper operation and placing a dye tablet in the holding tank (CHNC, Section 782 d)</p>	<p>A) The International Treaty to Prevent Pollution from Ships (MARPOL Annex V) prohibits dumping plastic into the water anywhere and restricts dumping of other forms of garbage within specified distance from the shore. Annex V restrictions apply to all ocean-going- vessels-recreational and commercial. Violators are subject to a maximum penalty of 6 years imprisonment and/or fine of up to \$250,000 for an individual, \$500,000 for an organization and civil penalties of up to \$32,500 (33 USC 1908).</p> <p>B) The Refuse Act (1899 33 USC 407) prohibits discharging or depositing any refuse matter of any kind into United States waters. Refuse includes: garbage, trash, oil and other liquid pollutants.</p> <p>C) The Ocean Dumping Act (33 USC 1401, et seq.) no person shall dump any material transported from a location outside the United States (1) into the territorial sea of the United States, or (2) into a zone contiguous to the territorial sea of the United States, extending to a line twelve nautical miles seaward from the base line from which the breadth of the territorial sea is measured, to the extent that it may affect the territorial sea or the territory of the United States. Violators are subject to a civil penalty of not more than \$50,000 for each violation and imprisonment up to 5 years.</p> <p>D) California law further prohibits:</p> <ul style="list-style-type: none">- Dumping any garbage into the navigable waters of the state including inland waters and up to 3 miles from shores.- Loading garbage on a vessel with the intent to dump it into navigable waters of the state or in waters up to 20 miles from shore; or- Any person in charge of a vessel from permitting it to be loaded with garbage with the intent to dump it into navigable waters or in waters up to 20 miles from shore. <p>A violation of any of the above laws is a misdemeanor (CHSC sections 117475 through 117500).</p> <p>E) All boats, 26 feet and longer, must display, in a prominent place where the crew and the passengers can read it, an informational placard on the subject of these prohibitions. The placard must be at least 9" x 4" and made of a durable material (Marine Plastic Pollution Research and Control Act. 33 CFR 151.59).</p> <p>F) Vessels 40 feet and over which operate beyond 3 nautical miles from shore must not only display the placard but must also prepared and carry a written Waste Management Plan describing the procedures for collecting, processing, storing and properly disposing of garbage in a way that will not violate the MARPOL requirements. The plan must also designate a person responsible for implementing it. The plan doesn't need to be complicated. It needs to contain minimum of three elements: a) Name of the vessel; b) the person in charge of implementing the plan and c) a short description on how the boater is planning to deal with the waste (33 CFR 151.57).</p> <p>The US Coast Guard is the enforcement agency for MARPOL within the Exclusive Economic Zone of US, which extends 200 miles from shore. Since the Coast Guard can't catch every violation. The USCG Marine Safety Office (MSO) or local Marine patrols also assist enforcing these laws.</p> <p>G) Don't place any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, or the viscera or carcass of any dead mammal, or the carcass of any dead bird where it can pass into the waters of the state or within 150 feet of the high-water mark of the waters of the state. Additionally, the abandonment of any motor vehicle in this manner constitutes a rebuttable presumption affecting the burden of producing evidence that the last registered owner of record is responsible for such abandonment and is thereby liable for the cost of removal and disposition of the vehicle. Misdemeanor. \$1,000 fine / 6 months jail (F&GC 5652, 12002).</p> <p>H) Don't deposit in, permit to pass into, or place where it can pass into the waters of this state any substance or material deleterious to fish, plant life, mammals, or bird life, including any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, carbonaceous material or substance, sawdust, shavings, slabs, or edgings, or any cocculus indicus. Misdemeanor. \$2,000 fine / 1 year jail (F&GC 5650, 12002).</p> <p>I) If you are responsible for polluting, contaminating, or obstructing waters of this state, or depositing or discharging materials threatening to pollute, contaminate, or obstruct waters of this state, to the detriment of fish, plant, bird, or animal life in those waters, you can be required to undertake removal actions, pay for removal costs, and pay for environmental damages. (F&GC 2014, 5655, 12015, 12016; GC 8670.25, 8670.56.5).</p>

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CFR: Code of Federal Regulation
CWA: Clean Water Act
CHNC: CA Harbors and Navigation Code
CHSC: California Health and Safety Code
F&GC: Fisg and Game Code
GS: Government Code
USC: US Code